REMARKS

The Office Action dated December 8, 2006 has been carefully considered. Claims 1, 22 and 23 have been amended. Claims 6, 7 and 35-37 have been canceled. Claims 1, 5, 11-14, 16-23, 38-40, and 42-44 are in this application.

The limitations of dependent claims 6 and 7 have been added to claim 1 and 22. No new matter has been entered.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. in view of U.S. Patent No. 5,440,961 to Wankow. Applicants submit that the teachings of these references do not teach or suggest the invention defined by the amended claims.

As noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a film cuter apparatus includes rails formed of a material to provide attraction to plastic wrap received over the rail for attracting the plastic wrap and clinging the plastic wrap to the rail.

Wankow discloses a dispensing carton for a roll of sheet material including a spot of material which will detachably adhere to the leading edge of wrapping material. A cutter bar formed of a saw tooth metal strip is positioned adjacent the spot of material. The adherence of the leading edge of the wrapping material prevents additional polymeric film from being accidentally unrolled during the cutting operation; restrains the film from retracting into the carton and holds the edge of the film against the carton for facilitating tearing.

In contrast to the invention defined by the present claims, Wankow does not teach or suggest at least one rail formed of a first material of rubber, polyvinyl chloride, said polyvinyl chloride comprising at least 10% plasticizer, silicon elastimer and combinations thereof coextruded with a second material formed of rigid PVC. Rather, Wankow is directed to a spot of material formed on the carton to prevent the material from retracting into the carton. In Wankow, there is no teaching of the combination of rails formed of a material for clinging plastic wrap to the rails before and after cutting of the plastic wrap with a blade housing sliding within a channel formed between the rails. Rather, Wankow is directed to a saw tooth metal edge for tearing or serrating the film rather than cutting of the film with a slide cutter.

Furthermore, Wankow teaches a material that is flat against the carton making it obvious to one skilled in the art that the product is a flexible product and made from either blown extrusion or a liquid. Wankow teaches materials such as alkyd coatings, phenolic varnishes, epoxy coatings, acrylic coatings and shellac. Col. 3, lines 55-59. However, Wankow does not teach or suggest a material which can be used for forming a rail. In addition, Wankow teaches in Example I, a liquid formulation with less than 10% plasticization which teaches away from the present invention, including at least 100% plasticization, and therefore does not provide the attraction defined by the present claims. Wankow teaches using blown extrusion and cling to hold film from retracting back into the box which uses minimal cling characteristics. In contrast, the invention defined by the present claims provides sufficient cling of the plastic wrap to the rails before and after cutting with a slide cutter. There is no teaching or suggestion in Wankow of this claimed type of attraction.

In addition, it is obvious that Wankow does not address the actual cutting of the film in any way. The closest that Wankow comes is to disclose that **tearing** of the film is facilitated. Tearing is used because Wankow is referring to a serrated blade in his patent that is moved to the lower edge of the carton so that the "vinyl spots" can hold the uncut film in place. However, Wankow's "vinyl spots" would in no way have the ability to be placed onto a rigid slide cutter base, would not have the holding force (enough cling) as the present invention to cut, and the "vinyl spots" are being referenced to simply hold plastic wrap in place. Wankow is not teaching or suggesting a material offering sufficient cling capacity to hold in place for cutting nor does he teach or suggest any knowledge or thought of using cling in a cutting application. Moreover, there is no teaching or suggestion of the use of rails including a material for attracting a plastic wrap received over the rails in Wankow and it is only in hindsight that the Examiner can combine Wankow having spots of material formed on the carton and a serrated blade with the slide cutter including rails of Lucas Jr., et al. Accordingly, the invention defined by the present claims is not obvious in view of Lucas, Jr., et al. in combination with Wankow.

With regard to claims 6, 7 and 16, the Examiner indicated that Boda teaches coextrusion is a process that is well known in the manufacturing of acrylic and other polymers. However, Boda does not teach or suggest coextrusion of rubber, polyvinyl chloride, said polyvinyl chloride

comprising at least 10% plasticizer, silicon elastimer and combinations thereof and a material of rigid PVC. The selection of the materials has the advantages of providing a material for a rail having cling properties and a material for a rail base having durability properties. There is no teaching or suggestion of these advantages in Boda.

Further, Urion et al. and Tsai do not teach or suggest coextrusion of a material of polyvinyl chloride having at least 10% plasticizer and a material of rigid vinyl or PVC.

Dependent claim 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lucas, Jr. et al. and Wankow in view of U.S. Patent No. 3,277,760 to Keene et al.

Keene et al. teach an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37).

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest at least one rail being formed of a material providing cling properties to the plastic wrap received over the rail for attracting the plastic wrap to the rail, the material by rubber polyvinylchloride comprising at least 10% plasticizer, silicon elastimer and combination thereof. To the contrary, Keene et al. use means such as rollers to hold the plastic wrap down. Accordingly, Keene et al. do not cure the deficiencies of Lucas, Jr. et al. and Wankow noted above since neither reference teaches or suggests a film cutter apparatus comprising rails including a material to provide cling properties to plastic wrap received over the rail for attracting the plastic wrap to the rail.

Applicants direct the Examiner to Applicants' remarks regarding the 35 U.S.C. § 103(a) of independent claim 1 upon which claims 18 and 19 are dependent from. Upon finding the allowance of independent claim 1, the rejection with respect to dependent claims 18 and 19 should be obviated and Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection upon finding claim 1 allowable.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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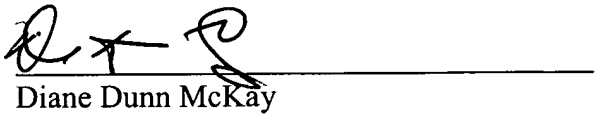

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